

Rodney L. Eshelman, No. 059339  
Raymond J. Tittmann, No. 191298  
**CARROLL, BURDICK & McDONOUGH LLP**  
44 Montgomery Street, Suite 400  
San Francisco, California 94104  
Telephone: (415) 989-5900  
Facsimile: (415) 989-0932

Attorneys for Defendant  
TRANSCONTINENTAL INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FREDERICK MEISWINKEL, INC., a  
California corporation,

Plaintiff,

v.

TRANSCONTINENTAL  
INSURANCE COMPANY, a New  
York corporation, et al.,

Defendant.

No. CV 06-03703 SC

**TRANSCONTINENTAL INSUR. CO.'S  
REQUEST FOR SUBSTITUTION OF  
ATTORNEY; [PROPOSED] ORDER  
GRANTING TRANSCONTINENTAL INSUR.  
CO.'S REQUEST FOR SUBSTITUTION OF  
ATTORNEY**

**[CIVIL L.R. 11-5; CCP §§ 284(1), 285]**

Date: September 8, 2006  
Time: 10:00 a.m.  
Division: San Francisco  
Courtroom: No. 1  
Judge: Hon. Samuel Conti

**TRANSCONTINENTAL INSUR. CO.'S REQUEST  
FOR SUBSTITUTION OF ATTORNEY**

TO ALL PARTIES AND TO THE COURT:

PLEASE TAKE NOTICE THAT Defendant TRANSCONTINENTAL  
INSURANCE COMPANY ("TRANSCONTINENTAL") will request the following  
substitution of attorney at the status conference in this matter on September 8, 2006, 10:00  
a.m., at the United States District Court, Northern District of California, Courtroom of the  
Honorable Samuel Conti, Courtroom No. 1, 450 Golden Gate Ave., San Francisco,  
California, and hereby requests, as follows:

CBM-IPG\SF320647.1

Rodney L. Eshelman (State Bar No. 059339)  
Raymond J. Tittmann (State Bar No. 191298)  
Carroll, Burdick & McDonough LLP  
44 Montgomery Street, Suite 400  
San Francisco, California 94104  
telephone: (415) 989-5900  
facsimile: (415) 989-0932,

To substitute as attorney of record for TRANSCONTINENTAL in place of:

Donald E. Dorfman  
Alan S. Feiler  
Nixon Peabody LLP  
Two Embarcadero Center, Suite 2700  
San Francisco, California 94111  
telephone: (415) 984-8200  
facsimile: (415) 984-8300.

I consent to this substitution. Dated: August \_\_, 2006

TRANSCONTINENTAL INSURANCE CO.

By Michael J. Huse

I consent to this substitution. Dated: August 22, 2006

NIXON PEABODY LLP

By Donald E. Dorfman  
Donald E. Dorfman

I accept this substitution. Dated: August 22, 2006

CARROLL, BURDICK & McDONOUGH LLP

By Raymond J. Tittmann/cf  
Rodney L. Eshelman  
Raymond J. Tittmann  
Attorneys for Defendant  
TRANSCONTINENTAL INSURANCE  
COMPANY

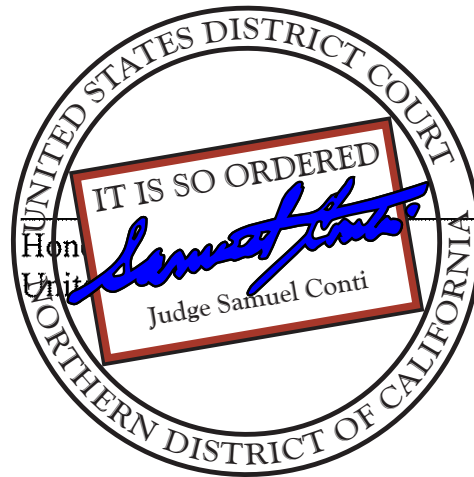
CBM-JPGSF320647.1

-2-

~~[PROPOSED]~~ ORDER GRANTING  
TRANSCONTINENTAL INSUR. CO.'S REQUEST  
FOR SUBSTITUTION OF ATTORNEY

GOOD CAUSE APPEARING, IT IS SO ORDERED: Rodney L. Eshelman and Raymond J. Tittmann, Carroll, Burdick & McDonough LLP, shall substitute as attorney of record in place of Donald E. Dorfman and Alan S. Feiler, Nixon Peabody LLP.

Dated: August 24, 2006



*Frederick Meiswinkel, Inc. v. Transcontinental Insurance Company, et al.*  
United States District Court Northern District of California; Action No. C 06-03703SC

**PROOF OF SERVICE BY MAIL**

I declare that I am employed in the County of San Francisco, California. I am over the age of eighteen years and not a party to the within cause; my business address is 44 Montgomery Street, Suite 400, San Francisco, CA 94104. On August 23, 2006, I served the enclosed:

**TRANSCONTINENTAL INSUR. CO.'S REQUEST FOR SUBSTITUTION OF ATTORNEY; [PROPOSED] ORDER GRANTING TRANSCONTINENTAL INSUR. CO.'S REQUEST FOR SUBSTITUTION OF ATTORNEY**

on the parties in said cause (listed below) by enclosing a true copy thereof in a sealed envelope and, following ordinary business practices, said envelope was placed for mailing and collection (in the offices of Carroll, Burdick & McDonough LLP) in the appropriate place for mail collected for deposit with the United States Postal Service. I am readily familiar with the Firm's practice for collection and processing of correspondence/documents for mailing with the United States Postal Service and that said correspondence/documents are deposited with the United States Postal Service in the ordinary course of business on the same day.

Mark Bonino, Esq.  
Maria Quinteror, Esq.  
Ropers, Majeski, Kohn & Bentley  
80 North First Street  
San Jose, CA 95113  
Tel: (408) 287-6262  
Fax: (408) 918-4501

Attorneys for AIU Insurance Company, a  
New York Corporation and Lexington  
Insurance Company, a Delaware  
Corporation

Blaise S. Curet, Esq.  
Sinnott, Dito Moura & Puebla, P.C.  
555 Montgomery Street, Suite 720  
San Francisco, CA 94111-3910  
Tel: (415) 352-6200  
Fax: (415) 353-6224

Attorneys for Zurich American Company,  
a New York Corporation

Peter J. Schulz, Esq.  
Greco & Traficante  
555 West Beech Street, Suite 500  
San Diego, CA 92101  
Tel: (619) 234-3660  
Fax: (619) 234-0626

Attorneys for Frederick Meiswinkel, Inc.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on August 23, 2006, at San Francisco, California.

  
\_\_\_\_\_  
Connie Fernandes